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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 18/648**

**APPEAL** by Micheál Griffin of Hoboken House, Barleymount West, Aghadoe, Killarney, County Kerry and by Dermot and Breda Griffin of Inis Faithlinn, Barleymount West, Aghadoe, Killarney, County Kerry against the decision made on the 14<sup>th</sup> day of December, 2018 by Kerry County Council to grant subject to conditions a permission to Sandra Dunlea care of DMD Design of 41 High Street, Killarney, County Kerry.

**Proposed Development:** Construction of a dwellinghouse, installation of a wastewater treatment unit and soil polishing filter, new entrance and access road and all associated site works at Barleymount West, Killarney, County Kerry.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is, therefore, considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, notwithstanding the provisions of the Kerry County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing and permitted development in the area, the proposed development would constitute an excessive density of suburban-type development in a rural area, which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by individual wastewater treatment systems in the area. The proposed development would, therefore, be prejudicial to public health.

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**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**